

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

ANTICIPATORY BAIL APPLICATION NO. 855 OF 2016

Devram Bahiru Thube Vs. The State of Maharashtra

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. M.K. Kocharekar a/w Sandip Babar for applicant.
Ms. Rutuja Ambekar, APP for State.

CORAM : A.S. GADKARI, J.
DATE : 5th October 2016.

P.C.:

- 1) Heard the learned counsel for the applicant and the learned APP.
- 2) The applicant was granted interim relief by an Order dated 10th May 2016. The facts giving rise to the lodgment of CR No.I-157 of 2016 against the applicant and co-accused are elaborately mentioned in the said Order. It is revealed in the investigation that the applicant has assaulted Pramod Walwe with a sickle. The statement of Pramod Walwe is recorded on 23.3.2016 wherein he has categorically stated that after he fell down in the said incident, the applicant-Devram Thube assaulted him with a sickle on the ankle of his right leg. The medical certificate issued by Shree Sai Multispeciality Hospital dated 12.7.2016 corroborates the said version.
- 3) The learned counsel for the applicant submitted that in the first information report pertaining to the present crime it is stated that somebody in the mob had snatched the sickle from the hands of the applicant and therefore there is nothing

to recover at the instance of the applicant. That since there is no question of recovery of weapon, the custodial interrogation of the applicant would be a futile exercise and therefore the applicant may be granted pre-arrest bail. He further submitted that the applicant has also lodged the first information report bearing No.I-156 of 2016 against the complainant in FIR No.I-157 of 2016 prior in point of time and as a counter-blast and with a view to save their skin, the present crime is lodged against the applicant by the accused in CR No.1560 of 2016 . This submission is recorded only for its rejection as the facts giving rise to the present crime are self-eloquent. After taking into consideration the fact that the said witness Pramode Walwe who has suffered grievous injury and as per medical certificate issued by the concerned Hospital which might haave caused him permanent deformity and the gravity of the offence, this Court is of the view that this is not a fit case to grant pre-arrest bail to the applicant.

4) Application is accordingly dismissed.

(A.S. GADKARI, J.)